

REMARKS / ARGUMENTS

This application is believed to be in condition for allowance because the claims, as amended, are believed to be non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

1.0 Rejections under 37 CFR. §175(a):

The Office Action rejected claims 12, 32 and 50 under 37 CFR §175(a) as failing to provide proper antecedent basis for the term "the use of" in line 2 of each claim. In response, Applicants have amended each of claims 12, 32 and 50 to use the term "using" in place of the term "the use of". It is believed that the present amendment brings claims 12, 32 and 50 into full compliance with 37 CFR §175(a). As such, Applicants respectfully request withdrawal of the rejection of claims 12, 32 and 50 under 37 CFR §175(a).

2.0 Withdrawal of Prior Restriction Requirement:

In the restriction requirement of April 5, 2007, the Office Action suggested that the application contained claims directed towards two patentably distinct inventions. In particular, the Office Action suggested the following Inventions:

- "Invention I" as claimed by claims 1-66
- "Invention II" as claimed by claims 67-78

In addition, in the restriction requirement of April 5, 2007, the Office Action suggested that "Invention I" (claims 1-66) included four patentably distinct species. In particular, the Office Action suggested the following Species:

- "Species 1" as claimed by claims 2-4
- "Species 2" as claimed by claims 5-6, 9, 23-25, 29, and 43-45
- "Species 3" as claimed by claims 7, 8, 26-28, and 46-47
- "Species 4" as claimed by claims 11-21, 31-41, 49-58, 60-62 and 64-66

Finally, the restriction requirement of April 5, 2007 indicated that independent claims 1, 22, 42 and 59 are generic to Species 1 through Species 4 of Invention I.

In response, Applicants originally elected "Invention I, Species 4" for prosecution. However, since all independent claims of "Invention I" (i.e., claims 1, 22, 42 and 59) have now been allowed, ***all claims depending from the allowed independent claims are also now allowable, regardless of the species associated with those dependent claims*** via the restriction requirement of April 5, 2007.

Therefore, Applicants respectfully suggest that in view of the allowability of independent claims 1, 22, 42 and 59, previously withdrawn claims dependent claims 2-10, 23-30, and 43-48, and 63 are now allowable, regardless of the species associated with those claims. Consequently, Applicants respectfully request withdrawal of the restriction requirement of April 5, 2007 as it relates to "Species 1" through "Species 4" and thus respectfully request reinstatement of previously withdrawn claims 2-10, 23-30, and 43-48, and 63.

Note that claims 11, 31, 49 and 60 were cancelled in the prior response, and that claims 67-78 remain withdrawn in response to the restriction requirement of April 5, 2007. As such, Applicants respectfully suggest that claims 1-10, 12-30, 32-48, 50-59, and 61-66 are now allowable.

CONCLUSION

In view of the above discussion, it is respectfully submitted that claims 1-10, 12-30, 32-48, 50-59, and 61-66 are in immediate condition for allowance. ***Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 12, 32 and 50, and to withdraw the prior restriction of claims 2-10, 23-30, and 43-48, and 63.*** Finally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any additional questions or concerns.

Respectfully submitted,



Mark A. Watson
Registration No. 41,370
Attorney for Applicant

Lyon & Harr
300 Esplanade Drive, Suite 800
Oxnard, California 93036
(805) 278-8855